

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

LUIS ANTONIO AGUILAR MARQUINEZ, :
et al., :

Plaintiffs,

V.

Civil Action No. 12-695-RGA-SRF
Consolidated

DOLE FOOD COMPANY, INC., et al.,

Defendants.

ORDER APPOINTING EXPERT

WHEREAS, by order dated August 5, 2021 (D.I. 383), the Court issued an order to show cause why the Court should not appoint an expert to assist in determinations of Ecuadorian laws;

WHEREAS, the parties recommended Professor Ángel R. Oquendo (D.I. 387);

WHEREAS, the Court has discussed the matter with Professor Oquendo, and he consents to serve as a court-appointed expert; and the Court concludes that the appointment of Professor Oquendo is warranted in the above-captioned case; and

WHEREAS, the Court concludes that appointment of Professor Oquendo is warranted;

NOW THEREFORE, this 8 day of October, 2021, it is HEREBY ORDERED that:

1. **Scope of duties.** Professor Ángel R. Oquendo is appointed as an expert to opine on matters of Ecuadorian law relevant to the applicability of the Delaware Borrowing Statute. The background is set forth in a separate order being entered contemporaneously with this one.

2. **The Report.** Professor Oquendo expects that he will be able to submit a report with his analysis in approximately six weeks. The report shall advise of any findings he makes. *See* Fed. R. Evid. 706(b). The report will be filed on the docket.

3. **Other Obligations.** Professor Oquendo understands that any party could choose to depose him, and that if there were a hearing on Ecuadorian law, he could be called as a witness and be subject to cross-examination. *See* Fed. R. Evid. 706(b).

4. **Ex parte communications.** Professor Oquendo shall not communicate *ex parte* with a party without the consent of all parties. He may communicate *ex parte* with the Court.

5. **Compensation.** Professor Oquendo shall be compensated for his services at his usual hourly rate. Others assisting him shall be compensated at their usual hourly rates. Professor Oquendo shall send itemized statements for services and expenses directly to counsel for the parties after the completion of his report,¹ and he shall receive payment directly from counsel for the parties in a timely fashion. The compensation and expenses of Professor Oquendo shall, unless otherwise ordered, be shared equally by the parties (that is, 50% by Plaintiffs and 50% by the relevant Defendants). Any objections or disputes as to Professor Oquendo's compensation, costs, and/or expenses shall be presented to the Court in a timely application.

/s/ Richard G. Andrews
United States District Judge

¹ Should there be subsequent proceedings, such as a deposition, Professor Oquendo should promptly send itemized statements in relation to them.